

House Bill 226  
January 16, 2007  
Presented by Jim Kropp  
House Fish, Wildlife & Parks Committee

Mister Chairman, members of the committee, I am Jim Kropp, Chief of Law Enforcement for Montana Fish, Wildlife & Parks (FWP) and am appearing before you today to offer support for HB 226.

HB 226 will provide wording in statute specifically addressing unlawful uses of replacement licenses. It will also allow the FWP Commission to evaluate and set the price for duplicate licenses issued by the department.

With the implementation of the Automated Licensing System, access by the public to FWP's various licenses and permits has grown substantially. The system has been a major boon to easy accessibility for a range of license, permits, and has made the licensing process substantially easier.

At the same time, FWP has seen that from 2002 to 2006, the number of replacement licenses have grown at a tremendous rate. Replacements historically have been available to assist a hunter who has legitimately lost or inadvertently destroyed a license, permit, or tag. However, the number of replacements has increased drastically over the last four years; the number of replacement for deer went from about 4500 in 2002 to over 8000 in the year 2006; elk duplicate licenses in 2002 were slightly over 4000; in 2006 they exceeded 7000. The replacements currently may be purchased from any license agent and cost one dollar each.

FWP is seeing a number of cases and circumstances where multiple licenses, permits, and/or tags are obtained and used to facilitate the crimes of hunting without a license (87-2-103), illegal use of license, tag, or permit (87-2-110), and possession of unlawfully-taken game animals (87-2-111). Generally, the circumstances involve a person obtaining a replacement while still possessing or having used the original and then using the replacement their self or making it available to someone else who is not licensed. The use and presentation of a tag on a dead game animal is the method by which a person can attempt to transport and possess an unlawfully-taken game animal, unless and until an investigation reveals the illegalities involved. Thus, the use of such tags plays a major part in enforcement's inability to initially detect (at game check stations, etc.) illegal taking of wildlife.

The additional wording of 87-2-104(2) that HB 226 proposes is necessary to address the improper activity of making fraudulently obtained replacements available to another person or persons. The statute currently addresses the application for, purchase of, and possession by someone who is obtaining more than one license, permit, or tag, including replacements. Another statute addresses the improper use of a license, permit, or tag. However, the activity of making replacement licenses available to another person is clearly as egregious and should be prohibited.

Because of this surge in replacements, we believe it is appropriate for the FWP Commission to attain the authority to examine this issue closer. There are, undoubtedly, those who have legitimate need for a replacement. Others are simply abusing the convenience, and creating a situation that was not part of the intent of this system

In order to help stem unlawful use of duplicate licenses and the review of duplicate license costs we support this bill.